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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,666	03/30/2007	Wolfgang Dittich	10537/318	3053
26646 7590 03/19/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER LIEU, JULIE BICHNGOC				
ART UNIT 2612		PAPER NUMBER		
MAIL DATE 03/19/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,666

Applicant(s)

DITTRICH ET AL.

Examiner

Julie Lieu

Art Unit

2612

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 16, 22 and 27 is/are rejected.
- 7) ☒ Claim(s) 15, 17-21 and 23-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Applicant's preliminary amendment filed January 06, 2006. Claims 1-13 have been canceled. New claims 14-27 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 14, 16, 22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudrey (US Patent No. 4,253,436).

As to claim 14, Dudrey discloses a display device for a motor vehicle carrying a store of fuel (vehicle fuel tank) and a store of an additive (reservoir 13), the additive consumed by the motor vehicle (tractor 5) as a function of fuel consumption (abstract) and other driving parameters, comprising:

electronically actuable display elements 90 (fig. 4) adapted to indicate a range of the store of additive in accordance with a range of a full fuel tank. Col. 5 lines 12-15, states that after filling the vehicle fuel tank, the additive is injected into the fuel tanks. Col. 5, lines 40-52, states that the numerals in the display 90 decrease sequentially and indicate the remaining liquid measuring units of fuel for which the proper portion of additive is needed. Therefore, the display indicates the range of the store of additive in accordance with the range of a full fuel tank. Though the tank might not be fully filled, one skilled in the art would have readily recognized filling up a full fuel tank when possible to avoid the inconvenience of repeating the fuel refilling. Further, display 90 display a value in accordance to the amount of the fuel in the tank. Thus, the display of the additive amount is still in accordance with the range of a full fuel tank.

As to claim 16, it appears that the display element of display 90 include LED display elements

As to claim 22, the rejection of claim 22 recites the same rejection of claim 14, except it is a method claim.

As to claim 27, Dudrey discloses a display device for a motor vehicle carrying a store of fuel (vehicle fuel tank) and a store of an additive (reservoir 13), the additive consumed by the motor vehicle as a function of fuel consumption and other driving parameters, comprising:

electronically actuable display elements 90 (fig. 4) adapted to indicate a range of the store of additive in accordance with a range of a full fuel tank. Col. 5 lines 12-15, states that after filling the vehicle fuel tank, the additive is injected into the fuel tanks. Col. 5, lines 40-52, states that the numerals in the display 90 decrease sequentially and indicate the remaining liquid measuring units of fuel for which the proper portion of additive is needed. Therefore, the display indicates the range of the store of additive in accordance with the range of a full fuel tank. Though the tank might not be fully filled, one skilled in the art would have readily recognized filling up a full fuel tank when possible to avoid the inconvenience of repeating the fuel refilling. Further, display 90 display a value in accordance to the amount of the fuel in the tank. Thus, the display of the additive amount is still in accordance with the range of a full fuel tank.

Allowable Subject Matter

5. Claims 15, 17-21, and 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior arts have been found to fairly teach or suggest claim features of claim 15, 17, and 23.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on 571-272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julie Lieu/
Primary Examiner
Art Unit 2612

Mar 15, 09